

DRAFT
MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING

17 AUGUST 1999

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office building with the following members present: Mayor Carolyn S. Allen, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Keith A. Holliday, Yvonne J. Johnson, Nancy (Mincello) Vaughan, Robert V. Perkins, and Donald R. Vaughan. Absent: Earl Jones, excused by action of the Council and entering early in the meeting. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Susan E. Crotts, Deputy City Clerk.

The meeting was opened with a moment of silence, followed by the pledge of allegiance to the flag.

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The City Manager recognized Charlotte Hail, employee in the Legal Department, who served as the courier for the meeting.

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Councilmember Carmany moved that Councilmember Jones be excused from attendance at this meeting. The motion was seconded by Councilmember Perkins and unanimously adopted by voice vote of the Council.

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Mayor Allen spoke to the symbolic meaning of peacefulness of an exotic mask recently given to the City by the Mayor of Niimi City, Japan.

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The Mayor explained the Council procedure for conduct of the meeting.

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Councilmember Jones entered the Chamber at 6:10 p.m.

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Mayor Allen stated that this was the time and place set for a public hearing to consider an ordinance authorizing a Special Use Permit for a Community Membership Club with swimming and tennis facilities, athletic fields and facilities, and meeting space for civic and youth groups for property located at the northeast intersection of Sir Galahad Road and Belfield Drive. She stated this matter was being heard on appeal filed by James W. Kee, Jr. after receiving a 5-3 vote by the Zoning Commission to recommend denial of the permit; and that a request to continue this item had been mailed to Council.

Marc Isaacson, attorney with offices at 101 West Friendly Avenue, representing James and Talma Kee; requested this matter be continued to October 16, 1999 to allow time to provide additional information to neighborhood residents.

Councilmember Vaughan briefly discussed the letter requesting a continuance with Mr. Isaacson.

The City Manager stated that speakers in opposition to the rezoning wished to be heard.

Mary Whittington, residing at 1608 Sir Gallahad Road, requested Council not continue the matter; stated that she would have difficulty attending an evening meeting in 90 days due to her work schedule and the upcoming holiday season; and voiced her opinions with respect to the rezoning request.

The City Attorney advised Ms. Whittington that a precedent to grant continuances had been set; therefore continuances were usually granted.

Following brief discussion and there being no one else wishing to speak to the matter, Councilmember Vaughan moved to continue this matter to the regular Council meeting on October 6, 1999 without further advertising and with the understanding there would be no further continuance. The motion was seconded by Councilmember Jones and unanimously adopted by voice vote of the Council.

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Mayor Allen stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-12 Residential Single Family to RS-5 Residential Single Family for property located on the west side of Osborne Road between Elmyra Drive and McCuiston Road. The Mayor stated that this matter was being heard on appeal filed by Marty Hall after receiving an 8-0 vote by the Zoning Commission to recommend approval of the rezoning.

Tom Martin, Planning Director for the City of Greensboro, stated that the proposed rezoning was for approximately 21 acres of land and that the Zoning Commission Board voted 8-0 to approve the rezoning. He presented a map and slides of the property and surrounding area.

Charlie Melvin, residing at 300 North Greene Street and representing Caroline Corporation, spoke in favor of the rezoning. Mr. Melvin stated that Mr. Carroll and Ms. Leonard had made significant efforts to communicate with residents in the area and requested Council to support the rezoning.

Elaine Fulk, residing at 3610 Osborne Road, spoke in favor of the proposed rezoning and development.

No opposing speakers were present; however, Councilmember Carmany stated Mr. Hall had requested her to appeal this process because he could not attend the meeting.

Councilmember Perkins moved the adoption of the ordinance. The motion was seconded by Councilmember Carmany; and the ordinance was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, Mincello Vaughan, Perkins, and Vaughan. Noes: None.

99-129

AMENDING OFFICIAL ZONING MAP

WEST SIDE OF OSBORNE ROAD BETWEEN ELMYRA DRIVE AND MCCUISTON ROAD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from RS-12 Residential Single Family to RS-5 Residential Single Family uses for the area described as follows:

BEGINNING at a point in the intersection of the northern right-of-way line of McCuiston Road with the western right-of-way line of Osborne Road; thence with said northern right-of-way line S86°05'35"W 146.84 feet to a point; thence continuing along said northern right-of-way line N83°12'58"W 86.15 feet to a point at the southeastern corner of Mary E. Van Dyke (Tax Map ACL 3-183-756-43) as recorded and described in Deed Book 3240, Page 348 in the Office of the Guilford County Register of Deeds; thence

along the eastern line of said Van Dyke N05°13'04"E 196.03 feet to a point at the northeastern corner of said Van Dyke; thence along the northern line of said Van Dyke N84°12'32"W 108.50 feet to a point at the northeastern corner of William Ruffin and Sandra M. Brown as recorded and described in Deed Book 3669, Page 458 in said Guilford County Registry; thence along the northern lines of said Brown and John and Linda Anthony N85°42'45"W 175.92 feet to a point at the northwestern corner of Anthony as recorded and described in Deed Book 2844, Page 38 in said Guilford County Registry; thence N58°26'56"W 33.53 feet to a point; thence N84°16'33"W 130.39 feet to a point; thence S03°48'39"W 137.55 feet to a point in said northern right-of-way line of McCuiston Road; thence along said northern right-of-way line N70°30'36"W 236.62 feet to a point in the southeastern corner of Michael D. and Audrey J. Duggins as recorded and described in Deed Book 2743, Page 677 in said Guilford County Registry; thence along the eastern line of said Duggins N03°48'39"E 275.35 feet to a point in the southeastern corner of Jesse P. Clodfelter as recorded and described in Deed Book 4248, Page 743 in said Guilford County Registry; thence along the eastern lines of said Clodfelter and Roy and Laverne O. Gleason N03°48'39"E 798.01 feet to a point at the southwestern corner of Dorothy Lee Sweeny as recorded and described in Deed Book 1711, Page 502 in said Guilford County Registry; thence along the southern line of said Sweeny S86°20'00"E 200.00 feet to a point at the southeastern corner of said Sweeny; thence along the eastern line of said Sweeny N03°39'25"E 153.88 feet to a point in the southern right-of-way line of Elmyra Drive; thence along said southern right-of-way line S86°20'00"E 120.16 feet to a point at the northwestern corner of Mary E. Van Dyke (Tax Map 505-3-11) as recorded and described in Deed Book 2644, Page 137 in said Guilford County Registry; thence along the western line of said Van Dyke S03°41'38"W 153.88 feet to a point at the southwestern corner of said Van Dyke; thence along the southern line of said Van Dyke S86°20'00"E 120.00 feet to a point at the southeastern corner of said Van Dyke; thence along the eastern line of said Van Dyke N03°41'38"E 153.88 feet to a point in said southern right-of-way line of Elmyra Drive; thence along said southern right-of-way line S86°20'00"E 120.00 feet to a point at the northwestern corner of Gospel Center as recorded and described in Deed Book 232, Page 247 in said Guilford County Registry; thence along the western line of said Gospel Center S03°41'38"W 153.93 feet to a point at the northwestern corner of Cathy S. Petty as recorded and described in Deed Book 2910, Page 162 in said Guilford County Registry; thence along the western line of said Petty S02°55'20"W 101.01 feet to a point at the northwestern corner of Ivey L. and Elaine B. Fulk as recorded and described in Deed Book 2302, Page 163 in said Guilford County Registry; thence along the western line of said Fulk S03°33'12"W 150.94 feet to a point at the southwestern corner of said Fulk; thence along the southern line of said Fulk S85°03'32"E 321.26 feet to a point in said western right-of-way line of Osborne Road; thence along said western right-of-way line the following three (3) courses and distances: 1) S03°26'10"W 771.63 feet to a point; thence 2) N76°15'34"E 4.97 feet to a point; thence 3) S02°00'42"W 178.74 feet to the point and place of BEGINNING and being an area of 21.139 acres more or less.

Signed (Robbie Perkins)

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Councilmember Vaughan removed items 13 and 14 from the Consent Agenda; he stated citizens had expressed concerns relative to these items.

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Mayor Allen introduced the following ordinances listed on the Consent Agenda as required by the Greensboro Code of Ordinances.

- Ordinance establishing in the amount of \$130,000 grant project budget for the fiscal year 1999 Advanced Technology Grant Program.
- Ordinance amending in the amount of \$30,350 the State and Federal Grants Project Funds Budget for the replacement of capital equipment for government access programming.
- Ordinance establishing in the amount of \$34,640 Grant Project Budget for the FTA Section 5303 Metropolitan Planning Grant.

After the Mayor requested a motion to approve the ordinances, resolutions and motion on the amended Consent Agenda, Councilmember Vaughan moved adoption of the Consent Agenda. The motion was seconded by Councilmember Carmany; the Consent Agenda was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

99-130 ORDINANCE ESTABLISHING GRANT PROJECT BUDGET FOR THE
FISCAL YEAR 1999 ADVANCED TECHNOLOGY GRANT

Section 1. That the Grant Project Budget for the 1999 Capital Improvement Grant be established for the life of the project as follows:

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|------------------|-------------------------|---------------|
| 565-4541-01.6059 | Other Capital Equipment | \$130,000 |
| Total | | \$130,000 |

And, that increasing the following revenue finance this increase accounts:

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|------------------|----------------------------|---------------|
| 565-4541-01.7110 | State Grant | \$117,000 |
| 565-4541-01.9564 | Transfer from Transit Fund | \$ 13,000 |
| Total | | \$130,000 |

Signed (Donald R. Vaughan)

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99-131 ORDINANCE AMENDING THE STATE AND FEDERAL GRANTS PROJECT FUND
BUDGET FOR REPLACEMENT OF CAPITAL EQUIPMENT FOR
GOVERNMENT ACCESS PROGRAMMING

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 99-00 Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State and Federal Grants Project Fund be increased as follows:

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|------------------|-------------------------|---------------|
| 220-2510-01.6059 | Other Capital Equipment | \$30,350 |

and, that this increase be financed by increasing the following State and Federal Grants Fund account:

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|------------------|--------------------|---------------|
| 220-2510-01.8620 | Donations | \$30,350 |

Signed (Donald R. Vaughan)

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99-132 ORDINANCE ESTABLISHING GRANT PROJECT BUDGET FOR THE
FTA SEECTION 5303 METROPOLITAN PLANNING GRANT

Section 1. That the Grant Project Budget for the FTA Section 5303 Metropolitan Planning Grant be established for the life of the project as follows.

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|------------------|--------------------------|-----------------|
| 220-4505.00.4000 | Salaries and Wages | \$12,540 |
| 220-4505.00.4500 | Fringe Benefits | <u>3,060</u> |
| 220-4505.00.5000 | Maintenance & Operations | 19,040 |
| TOTAL | | \$34,640 |

And, that this increase be financed by increasing the following revenue accounts:

| <u>Account</u> | <u>Description</u> | <u>Amount</u> |
|------------------|--------------------|-----------------|
| 220-4505.00.7000 | Federal Grant | \$27,712 |
| 220-4505.00.7110 | State Grant | 3,464 |
| 220-4505.00.8695 | In-Kind Services | <u>3,464</u> |
| TOTAL | | \$34,640 |

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143-99 RESOLUTION GRANTING ENCROACHMENT FOR AN EASEMENT ON STREET RIGHTS-OF-WAYS TO RF MICRO DEVICES, INC. AS FOLLOWS: 115' CROSSING THORNDIKE ROAD APPROXIMATELY 408 FEET FROM PIEDMONT INTERNATIONAL AIRPORT PARK ROAD AND 115' CROSSING THORNDIKE ROAD APPROXIMATELY 755 FEET FROM PIEDMONT INTERNATIONAL AIRPORT PARK ROAD TO INSTALL A TOTAL OF 230 LINEAR FEET OF FIBER OPTIC CABLE TO SERVE RF MICRO DEVICES, INC. SUBJECT TO AN ANNUAL ENCROACHMENT FEE FOR USE OF RIGHT-OF-WAY

WHEREAS, RF Micro Devices, Inc. has requested an encroachment easement from the City for the underground installment of 230 linear feet of private fiber optic cable in order to serve the company by providing a communication link between 7625 Thorndike Road and 7628 Thorndike Road;

WHEREAS, plans have been submitted to the City Utilities Coordinator for approval of the construction of the communications line which would require boring under Thorndike Road as shown on the attached map;

WHEREAS, following installation of said cable, RF Micro Devices, Inc. will provide the necessary repair, if any, of the street in compliance with City standards;

WHEREAS, RF Micro Devices, Inc. has agreed to pay a reasonable fee as a direct cost for such encroachment easement in the amount of \$3.00 per linear foot per annum so long as the fiber optic cable remains;

WHEREAS, in the opinion of the City Council, such encroachment easement for the installation of communications cable will neither cause a public nuisance nor unreasonably interfere with the use of the streets and sidewalks by the public.

NOW THEREFORE, IT BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.128(c) of the Charter of the City of Greensboro, RF Micro Devices, Inc. is hereby authorized to encroach in the above described street right-of-way for the installation of fiber optic

cable in Thorndike Road as shown on the attached map, subject to an annual fee to be paid to the City in the amount of \$3.00 per linear foot of cable installed.

Signed (Donald R. Vaughan)

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144-99 RESOLUTION AUTHORIZING INSTALLATION OF AN 8 INCH SEWER LINE ALONG
U.S. 220 NORTH TO SERVE CHARTER DEVELOPMENT, INC. UNDER AGREEMENT
BETWEEN CITY OF GREENSBORO AND GUILFORD COUNTY

WHEREAS, Guilford County has recently authorized the installation of an 8 inch sewer line along U.S. 220 North in accordance with the Consolidated Water and Sewer Agreement between the County and the City;

WHEREAS, this property is within one mile of the city limit;

WHEREAS, in the opinion of the City Council, the best interest of the City will be served by the construction of an 8 inch sewer line in accordance with said Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the construction of the above mentioned 8 inch sewer line in accordance with the agreement between the City of Greensboro and Guilford County is hereby authorized.

Signed (Donald R. Vaughan)

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145-99 RESOLUTION CALLING A PUBLIC HEARING FOR SEPTEMBER 7, 1999 ON THE
ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED
EAST OF SHIRLEY LANE – 0.17 ACRES

WHEREAS, the owner of all the hereinafter described property, which is contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, this property is already receiving City water and sewer services;

WHEREAS, at a regular meeting of the City Council on the 17th day of August, 1999, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED EAST OF SHIRLEY LANE – 0.17 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro corporate limits, said point lying in the south property line of Lot 11 of John Darden Subdivision, as recorded at Plat Book 49, Page 38 in the Office of the Register of Deeds of Guilford County, and lying 200 feet east of and normal to the east right-of-way line of Shirley Lane; thence, South 74 degrees 01 minutes 12 seconds East, approximately 35 feet to the southeast corner of said Lot 11; thence, South 05 degrees 35 minutes 00 seconds, West 200 feet to the southeast corner of Mount Olive Church of Christ; thence, North 75 degrees 15 minutes 10 seconds West,

approximately 41 feet to a point in the existing Greensboro corporate limits; thence, North 07 degrees 30 minutes East, approximately 200 feet to the point and place of BEGINNING and containing approximately 0.17 acres.

Section 2. If not already paid, the owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after November 30, 1999, the liability for municipal taxes for the 1999-2000 fiscal year shall be prorated on the basis of 7/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2000. Municipal ad valorem taxes for the 2000-2001 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after November 30, 1999.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That September 7, 1999 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than August 27, 1999.

Signed (Donald R. Vaughan)

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146-99 RESOLUTION CALLING A PUBLIC HEARING FOR SEPTEMBER 7, 1999 ON THE
ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED
SOUTH OF PEACH ORCHARD DRIVE – 39.97 ACRES

WHEREAS, the owners of all the hereinafter described property, which is contiguous to the City of Greensboro, have requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, a portion of this property is already receiving City water and sewer services;

WHEREAS, the remaining portion has water and sewer lines available but has not been connected;

WHEREAS, at a regular meeting of the City Council on the 17th day of August, 1999, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED SOUTH OF PEACH ORCHARD DRIVE – 39.97 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of July 31, 1999), said point being in the south right-of-way line of Peach Orchard Drive and being the northwest corner of Barcroft Associates; THENCE DEPARTING FROM THE EXISTING CITY LIMITS and running with the north line of Barcroft Associates the following three courses: (1) S 70° 13' 15" E 243.71 feet to a point, (2) S 87° 25' 23" E with a curve to the left having a radius of 1,200 feet and a length of 720.72 feet and a chord distance of 709.94 feet to a point, (3) N 75° 11' 48" E 269.59 feet to the northwest corner of Lot 1 as shown on the plat of Turnbridge Apartments – Phase 2, recorded at Plat Book 132, Page 50 in the Office of the Register of Deeds of Guilford County; thence continuing N 75° 11' 48" E 31.36 feet along the north line of said Lot 1 to the west right-of-way line of the Black Walnut Court turnaround; thence continuing N 75° 11' 48" E 80.03 feet to the east right-of-way line of said turnaround; thence continuing N 75° 11' 48" E 196.33 feet to the northeast corner of said Lot 1; thence S 01° 56' 12" E 927.87 feet along the east line of said Lot 1 to the southeast corner of said lot, said corner being in the north line of land acquired by the North Carolina Department of Transportation for the future Urban Loop Thoroughfare; thence S 45° 26' 40" W 241.98 feet with the south line of said Lot 1 (the north line of the Urban Loop Thoroughfare); thence S 59° 18' 48" W 1,234.21 feet along the south line of said Lot 1 to the southwest corner of Lot 1; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS the following courses: N 09° 51' 49" W 754.50 feet along the west lines of said Lot 1 and Barcroft Associates to a point; thence N 10° 00' 19" W 159.85' to a point; thence N 09° 55' 22" W 181.67 feet to a point; thence N 09° 47' 08" W 623.21 feet to the point and place of BEGINNING, and containing 39.97 acres.

Section 2. If not already paid, the owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after November 30, 1999, the liability for municipal taxes for the 1999-2000 fiscal year shall be prorated on the basis of 7/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2000. Municipal ad valorem taxes for the 2000-2001 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after November 30, 1999.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That September 7, 1999 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than August 27, 1999.

Signed (Donald R. Vaughan)

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147-99 RESOLUTION CALLING A PUBLIC HEARING FOR SEPTEMBER 7, 1999 ON THE
ANNEXATION OF TERRITORY TO THE CORPORATE LIMITS – LOCATED WEST OF
PLEASANT RIDGE ROAD, NORTH OF WEST MARKET STREET – 9.17 ACRES

WHEREAS, the owner of all the hereinafter described property, which is contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, this property is already receiving City water services;

WHEREAS, at a regular meeting of the City Council on the 17th day of August, 1999, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED WEST
OF PLEASANT RIDGE ROAD, NORTH OF WEST MARKET STREET – 9.17 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro city limit line (as of July 31, 1999), said point being the southwest corner of Michael Scott Bankhead and Kelly Springer Bankhead; THENCE DEPARTING FROM THE EXISTING CITY LIMITS and running with Bankhead's west line N 02° 01' 19" E 564.56 feet to Bankhead's northwest corner; thence S 85° 41' 36" E approximately 840 feet along Bankhead's north line to a point in the existing city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS the following bearings and distances: S 22° 54' 35" W approximately 570 feet along a line parallel to and 200 feet from the northwest right-of-way line of Pleasant Ridge Road to a point on Bankhead's south line; thence N 87° 58' 49" W approximately 630 feet to the point and place of BEGINNING, and containing approximately 9.17 acres.

Section 2. If not already paid, the owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after November 30, 1999, the liability for municipal taxes for the 1999-2000 fiscal year shall be prorated on the basis of 7/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2000. Municipal ad valorem taxes for the 2000-2001 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after November 30, 1999.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That September 7, 1999 at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than August 27, 1999.

Signed (Donald R. Vaughan)

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Mayor Allen introduced items 13 and 14 removed from the Consent Agenda by Councilmember Vaughan, a resolution calling a public hearing for September 7, 1999 on the contiguous annexation to the corporate limits of property located at the northwest corner of Old Lake Jeanette Road and Waldorf Drive- 0.634 acres; and a resolution calling a public hearing on the non-contiguous and contiguous annexation to the corporate limits of portions of property of Lake Jeanette East Park, on Lucas Park Drive, Fieldstone Court, Willowview Drive and Flintrock Court- 14.296 acres.

Several Councilmembers stated that area residents had expressed concerns with respect to reliability of fire and police service delivery due to pending partial annexation of their subdivision.

Mr. Martin explained that calling the public hearings would implement the existing water and sewer annexation policy due to the fact that these annexations were initiated by citizen petition prior to implementation of this policy, homeowners who did not wish to be annexed at the time of the original petition maintained the right to petition for annexation, and City water and sewer services were already in place for the subdivision.

Councilmember Perkins moved to postpone the public hearing on the non-contiguous and contiguous annexation to the corporate limits of portions of property of Lake Jeanette East Park, on Lucas Park Drive, Fieldstone Court, Willowview Drive and Flintrock Court until such time that the entire neighborhood could be annexed. The motion was seconded by Councilmember Holliday.

Council debated delaying the annexation process with respect to the current policy to consider the option of a City initiated annexation of the entire subdivision. The City Manager stated that if Council voted against holding the public hearings for the annexations in question; he would need to provide Council with detailed information on the ramifications of such action.

Councilmember Perkins moved to withdraw the above motion to postpone the public hearing for annexation. The motion was seconded by Councilmember Jones and unanimously adopted by voice vote of the Council.

Councilmember Perkins moved adoption of the resolution calling a public hearing for September 7, 1999, on the non-contiguous and contiguous annexation to the corporate limits of portions of property of Lake Jeanette East Park, on Lucas Park Drive, Fieldstone Court, Willowview Drive and Flintrock Court. The motion was seconded by Councilmember Jones and was defeated on the following roll call vote: Ayes: Carmany, Johnson, Vaughan. Noes: Allen, Burroughs-White, Jones, (Mincello) Vaughan, Perkins, and Vaughan. (A copy of the resolution as introduced and **DEFEATED** is filed in Exhibit Drawer M, Exhibit Number 20, which is hereby referred to and made a part of these minutes.)

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Councilmember Perkins thereupon moved adoption of the resolution calling a hearing for September 7, 1999 for the annexation of territory to the corporate limits located at the northwest corner of Old Lake Jeanette Road and Waldorf Drive. The motion was seconded by Councilmember Jones; the

resolution and was defeated on the following roll call vote: Ayes: Carmany, Johnson, Vaughan. Noes: Allen, Burroughs-White, Jones, (Mincello) Vaughan, Perkins, and Vaughan. (A copy of the resolution as introduced and **DEFEATED** is filed in Exhibit Drawer M, Exhibit Number 20, which is hereby referred to and made a part of these minutes.)

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The Mayor introduced a resolution authorizing and approving an allowance for the installation of the Cal-Cap System in the amount of \$241,000 prior to the receipt of bids for the War Memorial Stadium tennis court renovations. She stated that this matter was continued from the July 20, 1999 meeting of Council and that a staff request had been made for a motion to delete this item.

The Manager explained that due to a new request from Council for a report on construction alternatives, additional bidding would be required. John Beaman, Department of Technology and Facilities Project Manager, summarized various court construction options and approximate time lines for their completion.

Council questioned the need and expense for additional parking space and requested information breakdowns on the costs of the various options discussed. Mr. Beaman stated that he would provide to Council a report of tennis court construction options with cost breakdowns that would include parking as a line item.

Councilmember Johnson moved to delete the resolution. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of the Council.

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Mayor Allen introduced a resolution authorizing bids in the amount of \$6,050,085 and authorizing execution of Contract 1999-19 G&E, Lake Daniel Reservoir Rehabilitation Project. At the request of the Manager, Allan Williams, Water Resources Director, briefly explained the project. Mr. Williams noted that the project would treat lake and dam water at peak times, allow better control of water in peak times and address more stringent federal regulations with respect to the safe drinking water act. He stated that this was the only option for compliance and spoke to preliminary landscaping plans and the status of related public hearings.

Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins, and Vaughan. Noes: None.

148-99 RESOLUTION APPROVING BIDS AND AUTHORIZING EXECUTION OF CONTRACT NO. 1999-19G WITH LAUGHLIN-SUTTON AND CONTRACT NO. 1999-E WITH INTEGRATED INDUSTRIAL SERVICES FOR LAKE DANIEL FINISHED WATER TRANSFER PUMP STATION AND RESERVOIR MODIFICATIONS PROJECT

WHEREAS, after due notice, bids have been received for the Lake Daniel Finished Water Transfer Pump Station and Reservoir improvements project;

WHEREAS, Laughlin-Sutton, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$5,718,600 as general contractor for Contract No. 1999-19G, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

WHEREAS, Integrated Industrial Services, a responsible bidder, has submitted the low base and alternate bid in the amount of \$331,485 as the electrical contractor for Contract No. 1999-19E, which bid, in the opinion of the City Council is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bids hereinabove mentioned submitted by Laughlin-Sutton and Integrated Industrial Services are hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro proper contracts to carry the proposals into effect, payment to be made from Account No. 508-7028-01.6019 CBR 001.

Signed (Sandy Carmany)

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The Mayor introduced a resolution approving an increase in the line of credit loan guarantee for Greensboro Housing Development Partnership to support the rehabilitation of additional properties in the Ole' Asheboro, Arlington Park and Southside Target Areas.

There being no one to speak to the matter, Councilmember Burroughs-White moved the adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: : Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins, and Vaughan. Noes: None.

149-99 RESOLUTION APPROVING AN INCREASE IN THE LINE OF CREDIT LOAN GUARANTEE FOR GREENSBORO HOUSING DEVELOPMENT PARTNERSHIP TO SUPPORT REHABILITATION OF ADDITIONAL PROPERTIES IN THE OLE' ASHEBORO, ARLINGTON PARK AND SOUTHSIDE TARGET AREAS

WHEREAS, on April 6th, 1999, council approved the extension of a line of credit in the amount of \$150,000 for a loan guarantee for Greensboro Housing Development Partnership;

WHEREAS, the Greensboro Housing Development Partnership has currently encumbered \$125,500 of the existing line of credit for the rehabilitation of two properties;

WHEREAS, the Greensboro Housing Development Partnership has the opportunity to purchase additional properties in the target areas for rehabilitation which will require an additional \$150,000;

WHEREAS, the purchase of these additional properties and completion of housing revitalization activities in these neighborhoods will continue to enhance these areas;

WHEREAS, the Partnership needs an additional \$150,000 line of credit to support these projects.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That an increase in the amount of \$150,000 for the extension of the loan guarantee line of credit for the Greensboro Housing Development Partnership for the additional purchases, rehab and resale of historic houses in the Asheboro, Arlington Park and Southside Target Areas is hereby approved.

2. That the City Manager or his authorized representative is hereby authorized to execute the necessary documents in order to effectuate the approval and authorizations contained herein.

Signed (Claudette Burroughs-White)

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A regular meeting of the City Council of the City of Greensboro, North Carolina was held in the City Council Chamber in the Melvin Municipal Office Building, 300 West Washington Street, Greensboro, North Carolina, the regular place of meeting, on Tuesday, August 17, 1999, at 6:00 P.M.
Present: Mayor Carolyn S. Allen, presiding, and Councilmembers Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins, and Vaughan.

Absent: None.

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The Mayor introduced the following resolution, a copy of which had been provided to each Councilmember, which was read by title and summarized by the City Attorney:

RESOLUTION APPROVING THE NEGOTIATED SALE BY GREENSBORO CENTER CITY CORPORATION OF TAXABLE REFUNDING CERTIFICATES OF PARTICIPATION (GREENSBORO COLISEUM COMPLEX), SERIES 1999A AND TAXABLE REFUNDING CERTIFICATES OF PARTICIPATION (GREENSBORO COLISEUM COMPLEX), SERIES 1999B EVIDENCING PROPORTIONATE AND UNDIVIDED OWNERSHIP INTERESTS IN INSTALLMENT PAYMENTS TO BE MADE BY THE CITY OF GREENSBORO, NORTH CAROLINA PURSUANT TO A FIRST AMENDED AND RESTATED INSTALLMENT PURCHASE AGREEMENT, AS AMENDED AND SUPPLEMENTED, TO REFUND CERTAIN OUTSTANDING CERTIFICATES OF PARTICIPATION, APPROVING CERTAIN DOCUMENTS RELATING THERETO AND AUTHORIZING OTHER CORPORATE ACTION IN CONNECTION THEREWITH

WHEREAS, the City of Greensboro, North Carolina (the "City") and Greensboro Center City Corporation (the "Corporation"), a nonprofit corporation organized and existing under the laws of the State of North Carolina, entered into a First Amended and Restated Installment Purchase Agreement, dated as of March 1, 1995 (the "Restated Installment Purchase Agreement"), as amended and supplemented by the First Supplemental Installment Purchase Agreement, dated as of June 1, 1996 (the "First Supplemental Installment Purchase Agreement" and, together with the Restated Installment Purchase Agreement, the "Installment Purchase Agreement") to finance the expansion of the Greensboro Coliseum Complex and, pursuant to a First Amended and Restated Trust Agreement, dated as of March 1, 1995 (the "Restated Trust Agreement"), as supplemented by a First Supplemental Trust Agreement and a Second Supplemental Trust Agreement, each dated as of March 1, 1995, and a Third Supplemental Trust Agreement, dated as of June 1, 1996, each by and between the Corporation and First-Citizens Bank & Trust Company, as Trustee (the "Trustee"), arranged for the execution and delivery of (a) \$20,340,000 in aggregate principal amount of Certificates of Participation (1991 Greensboro Coliseum Arena Expansion Project), of which \$17,270,000 principal amount is currently outstanding and unpaid (the "1991 Certificates"), (b) \$4,600,000 in aggregate principal amount of Certificates of Participation (1995A Greensboro Coliseum Complex Improvement Project), of which \$4,550,000 principal amount is outstanding and unpaid (the "1995A Certificates"), (c) \$1,100,000 in aggregate principal amount of Taxable Certificates of Participation (1995B Greensboro Coliseum Complex Improvement Project), of which \$1,035,000 principal amount is outstanding and unpaid (the "1995B Certificates") and (d) \$8,000,000 in aggregate principal amount of Certificates of Participation (1996A Greensboro Coliseum Complex Improvement Project), all of which is outstanding and unpaid (the "1996A Certificates" and, together with the 1991 Certificates and the 1995A Certificates, the "Certificates To Be Refunded"), each evidencing proportionate and undivided ownership interests in Installment Payments to be made by the City pursuant to the Restated Installment Purchase Agreement, as amended and supplemented, and pursuant to the authority granted to the City in Section 160A-20 of the General Statutes of North Carolina; and

WHEREAS, the Restated Installment Purchase Agreement and the Restated Trust Agreement provide for the execution and delivery of Additional Certificates (as defined in the Restated Trust Agreement) to finance Additional Projects (as defined in the Restated Trust Agreement) or to refund the 1991 Certificates or any Additional Certificates; and

WHEREAS, the 1995A Certificates, the 1995B Certificates, the 1996A Certificates, the 1999A Certificates (as defined herein) and the 1999B Certificates (as defined herein) constitute Additional Certificates; and

WHEREAS, the payments to be made by the City pursuant to the Restated Installment Purchase Agreement, as amended and supplemented by the applicable supplemental installment purchase agreement, are secured by a Deed of Trust, dated as of July 15, 1991, as amended and supplemented (collectively, the "Deed of Trust") from the City to an individual trustee, covering the property described therein; and

WHEREAS, the City and the Corporation have determined to refund the Certificates To Be Refunded and, to that end, have been negotiating certain financing documents and arranging for the negotiated sale of Taxable Refunding Certificates of Participation (Greensboro Coliseum Complex), Series 1999A (the "1999A Certificates") and Taxable Refunding Certificates of Participation (Greensboro Coliseum Complex), Series 1999B (the "1999B Certificates" and, together with the 1999A Certificates, the "1999 Certificates"), each evidencing proportionate and undivided ownership interests in Installment Payments to be made by the City pursuant to the Restated Installment Purchase Agreement, as amended and supplemented by the applicable supplemental installment purchase agreement, and pursuant to the authority granted to the City in Section 160A-20 of the General Statutes of North Carolina; and

WHEREAS, the City and the Corporation have retained The Robinson-Humphrey Company, LLC, Jackson Securities Incorporated and A.G. Edwards & Sons, Inc. (collectively, the "1999A Underwriters") for the purpose of underwriting the 1999A Certificates and The Robinson-Humphrey Company, LLC (the "1999B Underwriter") for the purpose of underwriting the 1999B Certificates; and

WHEREAS, the 1999A Certificates are expected to be marketed on or about September 1, 1999 in the expectation of executing a Certificate Purchase Agreement with respect thereto on or about September 2, 1999 and delivering the 1999A Certificates on or about September 16, 1999; and

WHEREAS, the 1999B Certificates are expected to be marketed on or about September 15, 1999 in the expectation of executing a Certificate Purchase Agreement with respect thereto on or about September 15, 1999 and delivering the 1999B Certificates on or about September 16, 1999; and

WHEREAS, in connection with such financing, it is necessary for the City Council of the City to approve the negotiated sale of the 1999 Certificates by the Corporation, to approve certain documents relating thereto and to authorize other corporate action in connection therewith; and

WHEREAS, there have been presented at this meeting copies of the following documents relating to the execution and delivery of the 1999A Certificates:

- (a) a draft of the proposed Second Supplemental Installment Purchase Agreement, to be dated as of September 1, 1999 (the "Second Supplemental Installment Purchase Agreement"), by and between the Corporation and the City;
- (b) a draft of the proposed Fourth Supplemental Trust Agreement, to be dated as of September 1, 1999 (the "Fourth Supplemental Trust Agreement"), by and between the Corporation and the Trustee, the provisions of which relate to the execution and delivery of, and security for, the 1999 A Certificates;
- (c) a draft of the proposed Third Modification to the Deed of Trust, to be dated as of September 1, 1999 (the "Third Modification to the Deed of Trust"), from the City to a deed of trust trustee for the benefit of the Corporation;
- (d) a draft of the proposed Escrow Deposit Agreement, to be dated as of September 1, 1999 (the "Escrow Deposit Agreement"), by and among the City, the Corporation and First-Citizens Bank & Trust Company, as Escrow Agent;
- (e) a draft of the proposed Certificate Purchase Agreement, to be dated on or about September 2, 1999 (the "1999A Certificate Purchase Agreement"), by and among the City, the Corporation and the 1999A Underwriters;

- (f) a draft of the proposed Preliminary Official Statement, to be dated on or about August 24, 1999 (the "Preliminary Official Statement"), relating to the 1999A Certificates;

WHEREAS, there have been presented at this meeting copies of the following documents relating to the execution and delivery of the 1999B Certificates:

- (a) the Second Supplemental Installment Purchase Agreement;
- (b) a draft of the proposed Fifth Supplemental Trust Agreement, to be dated as of September 1, 1999 (the "Fifth Supplemental Trust Agreement"), by and between the Corporation and the Trustee, the provisions of which relate to the execution and delivery of, and security for, the 1999B Certificates;
- (c) the Third Modification to the Deed of Trust;
- (d) the Escrow Deposit Agreement;
- (e) a draft of the proposed Certificate Purchase Agreement, to be dated on or about September 15, 1999 (the "1999B Certificate Purchase Agreement" and, together with the 1999A Certificate Purchase Agreement, the "Certificate Purchase Agreements"), by and among the City, the Corporation and the 1999B Underwriter;
- (f) a draft of the proposed Standby Certificate Purchase Agreement, to be dated as of September 1, 1999 (the "Standby Agreement"), by and between the City and Wachovia Bank, National Association;
- (g) a draft of the proposed Remarketing Agreement, to be dated as of September 1, 1999 (the "Remarketing Agreement"), by and among the City, the Corporation and Salomon Smith Barney Inc., as Remarketing Agent (the "Remarketing Agent");
- (h) a draft of the proposed Tender Agent Agreement, to be dated as of September 1, 1999 (the "Tender Agent Agreement"), by and among the City, First-Citizens Bank & Trust Company, as Tender Agent, and the Remarketing Agent;
- (i) a draft of the proposed Official Statement, to be dated on or about September 15, 1999 (the "1999B Official Statement"), relating to the 1999B Certificates; now, therefore,

BE IT RESOLVED by the City Council of the City of Greensboro:

Section 1. Capitalized words and terms used in this resolution and not defined herein shall have the same meanings in this resolution as such words and terms are given in the Restated Trust Agreement, as amended and supplemented, or the Restated Installment Purchase Agreement, as amended and supplemented.

Section 2. The City hereby approves the negotiated sale of the 1999 Certificates by the Corporation to refund the Certificates To Be Refunded.

The 1999A Certificates shall mature in such amounts and at such times, shall bear interest at such rates and shall be subject to extraordinary prepayment, all as provided in the Restated Trust Agreement, as amended and supplemented, and by the Fourth Supplemental Trust Agreement; provided, however, that no prepayment penalty shall exceed 2%, the final maturity of the 1999A Certificates shall not extend beyond December 31, 2009, the true interest cost of the 1999A Certificates shall not exceed 8%, the effective interest cost of the 1999A Certificates shall not exceed 8.25% and the aggregate principal amount of the 1999A Certificates shall not exceed \$15,000,000.

The 1999A Certificates shall be issued in fully registered form in denominations of \$5,000 or any whole multiple thereof. Interest on the 1999A Certificates shall be payable on December 1, 1999, and thereafter semiannually on each June 1 and December 1 until the 1999A Certificates are fully paid. Payments of principal of and interest on the 1999A Certificates shall be made by the Trustee to the registered owners of the 1999A Certificates in such manner as is set forth in the Restated Trust Agreement, as amended and supplemented, and by the Fourth Supplemental Trust Agreement.

The 1999B Certificates shall mature in such amounts and at such times, shall bear interest at such rates and shall be subject to optional, mandatory and extraordinary prepayment, all as provided in the Restated Trust Agreement, as amended and supplemented, and by the Fifth Supplemental Trust Agreement; provided, however that the final maturity of the 1999B Certificates shall not extend beyond December 31, 2015, the initial interest rate on the 1999B Certificates shall not exceed 7%, the maximum interest rate on the 1999B

Certificates shall not exceed 15% and the aggregate principal amount of the 1999B Certificates shall not exceed \$17,000,000.

The 1999B Certificates shall be issued in fully registered form in Authorized Denominations. Interest on the 1999B Certificates shall be payable at the times and in the manner specified in the Restated Trust Agreement, as amended and supplemented, and by the Fifth Supplemental Trust Agreement until the 1999B Certificates are fully paid. Payments of principal of and interest on the Fifth Supplemental Certificates shall be made by the Trustee to the registered owners of the 1999B Certificates in such manner as is set forth in the Restated Trust Agreement, as amended and supplemented, and by the Fifth Supplemental Trust Agreement.

Section 3. The proceeds of the 1999A Certificates shall be applied as provided in Section 2.07 of the Fourth Supplemental Trust Agreement. The proceeds of the 1999B Certificates shall be applied as provided in Section 2.08 of the Fifth Supplemental Trust Agreement.

Section 4. The forms, terms and provisions of the Second Supplemental Installment Purchase Agreement, the Fourth Supplemental Trust Agreement, the Fifth Supplemental Trust Agreement, the Third Modification to the Deed of Trust, the Escrow Deposit Agreement, the Standby Agreement, the Remarketing Agreement and the Tender Agent Agreement are hereby approved in all respects, and the Mayor, the City Manager or the Finance Director and the City Clerk are hereby authorized and directed to execute and deliver the Second Supplemental Installment Purchase Agreement, the Third Modification to the Deed of Trust, the Escrow Deposit Agreement, the Standby Agreement, the Remarketing Agreement and the Tender Agent Agreement in substantially the forms presented to this meeting, together with such changes, modifications and deletions as they, with the advice of counsel, may deem necessary and appropriate, including, but not limited to, changes, modifications and deletions necessary to incorporate the final terms of the 1999 Certificates as shall be set forth in the Certificate Purchase Agreements; such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the City. In addition, the Mayor, City Manager or Finance Director of the City are hereby authorized to obtain or cause to be obtained a portfolio of Defeasance Obligations and to execute any forward purchase agreement, forward float agreement or similar arrangement entered into or arranged by the City in connection with the refunding of the Certificates To Be Refunded.

Section 5. Subject to the provisions of Section 6 hereof, the forms, terms and provisions of the Certificate Purchase Agreements are hereby approved in all respects and the Mayor, the City Manager or the Finance Director is hereby authorized and directed to execute and deliver the Certificate Purchase Agreements in substantially the form presented to this meeting together with such changes, modifications, insertions and deletions as he or she, with the advice of counsel, may deem necessary and appropriate; such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the City.

Section 6. The City hereby approves the award of the 1999A Certificates to the 1999A Underwriters pursuant to the 1999A Certificate Purchase Agreement; provided, however, that the underwriters' discount with respect to the 1999A Certificates shall not exceed 0.9% of the aggregate principal amount of the 1999A Certificates. The City hereby approves the award of the 1999B Certificates to the 1999B Underwriters pursuant to the 1999B Certificate Purchase Agreement; provided, however, that the underwriter's discount with respect to the 1999B Certificates shall not exceed 0.8% of the aggregate principal amount of the 1999B Certificates.

Section 7. The Preliminary Official Statement is hereby approved. The City hereby authorizes the use and distribution of the Preliminary Official Statement in substantially the form presented, together with such changes, modifications and deletions as the Finance Director, with advice of counsel, may deem necessary and appropriate. The City authorizes and consents to the preparation and distribution of a final Official Statement relating to the 1999A Certificates (the "1999A Official Statement"), in substantially the form of the Preliminary Official Statement, together with such changes as are necessary to reflect the final terms of the 1999A Certificates. The Mayor, the City Manager or the Finance Director is hereby authorized and directed to execute and deliver the 1999A Official Statement, in substantially the form of the Preliminary Official Statement, together with such changes, specifications, and deletions as the Mayor, the City Manager or the Finance Director, with the advice of counsel, may deem necessary and appropriate;

such execution and delivery shall be conclusive evidence of the approval and authorization in all respects of the form and content thereof.

The 1999B Official Statement is hereby approved. The City hereby authorizes the use and distribution of the 1999B Official Statement in substantially the form presented, together with such changes, modifications and deletions as the Mayor, the City Manager or the Finance Director, with advice of counsel, may deem necessary and appropriate and such changes as are necessary to reflect the final terms of the 1999B Certificates. The Mayor, the City Manager or the Finance Director is hereby authorized and directed to execute and deliver the 1999B Official Statement; such execution and delivery shall be conclusive evidence of the approval and authorization in all respects of the form and content thereof.

The City hereby approves and authorizes the distribution and use of copies of the Preliminary Official Statement, the 1999A Official Statement, the 1999B Official Statement, the Second Supplemental Installment Purchase Agreement, the Fourth Supplemental Trust Agreement, the Fifth Supplemental Trust Agreement, the Third Modification to the Deed of Trust, the Escrow Deposit Agreement, the Remarketing Agreement, the Standby Agreement, and the Tender Agent Agreement by the 1999A Underwriters and the 1999B Underwriter in connection with the public offering of the 1999 Certificates.

Section 8. The officers of the City are authorized and directed (without limitation except as may be expressly set forth herein) to take such actions and to execute and deliver any such documents, certificates, undertakings, agreements or other instruments as they, with the advice of counsel, may deem necessary or appropriate to effect the transactions contemplated by the Second Supplemental Installment Purchase Agreement, the Fourth Supplemental Trust Agreement, the Fifth Supplemental Trust Agreement, the Third Modification to the Deed of Trust, the Escrow Deposit Agreement, the Certificate Purchase Agreements, the Standby Agreement, the Remarketing Agreement, the Tender Agent Agreement, the Preliminary Official Statement, the 1999A Official Statement and the 1999B Official Statement.

Section 9. This resolution shall take effect immediately upon its passage.

Thereupon the City Attorney stated that she had approved as to form the foregoing resolution.

Upon motion of Councilmember Carmany, seconded by Councilmember Johnson, the foregoing resolution was passed on roll call vote as follows:

Ayes: Councilmembers Allen, Burroughs-White, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan.

Noes: None.

The Mayor then announced that the resolution entitled "RESOLUTION APPROVING THE NEGOTIATED SALE BY GREENSBORO CENTER CITY CORPORATION OF TAXABLE REFUNDING CERTIFICATES OF PARTICIPATION (GREENSBORO COLISEUM COMPLEX), SERIES 1999A AND TAXABLE REFUNDING CERTIFICATES OF PARTICIPATION (GREENSBORO COLISEUM COMPLEX), SERIES 1999B EVIDENCING PROPORTIONATE AND UNDIVIDED OWNERSHIP INTERESTS IN INSTALLMENT PAYMENTS TO BE MADE BY THE CITY OF GREENSBORO, NORTH CAROLINA PURSUANT TO A FIRST AMENDED AND RESTATED INSTALLMENT PURCHASE AGREEMENT, AS AMENDED AND SUPPLEMENTED, TO REFUND CERTAIN OUTSTANDING CERTIFICATES OF PARTICIPATION, APPROVING CERTAIN DOCUMENTS RELATING THERETO AND AUTHORIZING OTHER CORPORATE ACTION IN CONNECTION THEREWITH" had been adopted by a vote of 9 to 0.

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Arthur Ihrig, residing at 2511 East Woodlyn Way; Robert Bulandin, residing at 1325 West Woodlyn Way; and Larry Davenport, residing at 4910 Sedgelane Drive; spoke to environmental impact concerns from recent development in their neighborhood and various traffic concerns which included the planned Sedgelane outlet. Mr. Bulandin asked those in the Chamber from his neighborhood who shared his concerns to raise their hands; the majority of hands were raised in the nearly full chamber.

Mr. Martin stated that this issue had come to his attention for the first time earlier in the day. He spoke to the location of the property, existing zoning and development permitted, legal requirements for

access to the site, and status of the plans and plat maps. The City Attorney advised that based on the code of ordinances, this property was landlocked and other options for an outlet were unknown at this time.

Russ Hobbs, residing at 17 Forest Lake Circle, spoke to a letter provided to Council that outlined residents' concerns. He raised questions about the processes followed and possible condemnation of property the current developer was trying to purchase.

Michael Coffin, resident of South Carolina, stated he was the owner of the property and son of the original developer. He discussed an existing 70-foot wide buffer zone and recent information he had received regarding possible condemnation of his property if he did not sell to the developer. Archie McBee, residing at 2601 West Woodlyn Way, spoke to his understanding of requirements for the buffer zone, the history of development in Sedgefield Lakes and traffic safety concerns.

Carrie Reynolds, residing at 5103 Hartridge Way, expressed concern regarding the outcome of the development; she questioned the development approval process, Council's role in the development process and what actions could be taken at this time.

Council discussed the impact of development in this area and requested staff investigate options for resolving the citizens concerns. The City Attorney suggested staff actions that could be taken to clarify property issues. At the Managers' request, Russ Hobbs and Carrie Reynolds agreed to work with staff and serve as the community representatives.

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Todd Warren, residing at 1006 Walker Avenue, expressed his support for compensation from the City to the Howertons based on the loss of Daryl Howerton's life and for a citizen police review board in Greensboro.

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Valerie Fritzell, residing at 1006 Walker Avenue, spoke in support of forming a citizens police review board in Greensboro and discussed related information and opinions.

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Richard Whittington, residing at 705-A Sunset Drive and Managing Director of Triad Stage, invited the Council to visit with 60 downtown businesses at an upcoming event featuring music, refreshments, etc.

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Terry Power, residing at 314 Aloe Road, spoke in favor of Forecast 2015 and continued planning. After Mr. Power made comments relating to his candidacy for City Council, the Mayor and City Attorney advised that promoting any Council candidate's campaign was strictly prohibited during Council meetings.

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The City Manager informed the Council that Children and Family Services had proposed that the City donate the largely unused Hopkins Building to the agency with the condition that the group would upfit the building and occupy it as an office. He noted the proposal had received support from Downtown Greensboro Incorporated, approval from the City's Bond Council, and that this was a practical way to get the building functional for public service.

Councilmember Burroughs-White encouraged Council to support the proposed use of the building.

Councilmember Johnson moved to direct the Manager to negotiate the particular details of the transfer of the Mickel Hopkins property from the City to Children and Family Services; to be brought back

to Council at the September 7, 1999 meeting. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of the Council.

Julia Niles, Director of Children and Family Services, thanked the Council for their motion and outlined planned use of the building. She briefly outlined the agency's various programs.

Kay Cashion, residing at 103 W. Greenway Drive, spoke to the background of Family and Children's Services and the expected results of this partnership with the City.

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Councilmember Jones commended citizens Linda Jones and Evelyn Taylor for leading neighborhood residents through the Hope VI process for the past several years, noted his participation in a recent Hope VI forum, and provided citizens with contacts for additional information.

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Councilmember Vaughan added the name Jesse L. (Skip) Warren to the boards and commissions data bank for future consideration of service on the Zoning Board, Planning Board or War Memorial Coliseum Commission.

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Councilmember Holliday congratulated Greensboro neighborhoods for their successful National Night Out and encouraged citizens to attend an upcoming Community Development Block Grant Celebration.

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Councilmember Carmany added the name Dean Styres to the boards and commissions data bank for future consideration of service on the Library Board.

Referring to the Legal Department's recent memo with respect to the possibility of retaining or not retaining "War Memorial" as part of the name in the War Memorial Coliseum Complex, Councilmember Carmany stated she believed that the retention of "War Memorial" needed to be a commitment kept to the veterans and suggested the Council provide guidance regarding this matter. She thereupon introduced a resolution re-affirming the dedication of the Coliseum Complex as a war memorial, in which the title shall retain the words "War Memorial". The motion was seconded by Councilmember Holliday; the resolution was adopted on the following roll call vote: Ayes: Allen, Burroughs-White, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins, and Vaughan. Noes: None.

150-99 **RESOLUTION REAFFIRMING THE DEDICATION OF THE COLISEUM
COMPLEX AS A WAR MEMORIAL**

WHEREAS, at its August 17th meeting Council was requested to provide guidance regarding the retention of the words "War Memorial" as part of the name of the Coliseum Complex;

WHEREAS, the retention of the words "War Memorial" as part of the name of the Coliseum Complex would continue the City's commitment to its war veterans.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
GREENSBORO:**

That the name of the Greensboro Coliseum Complex shall remain War Memorial Coliseum Complex.

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Councilmember Perkins requested that the policy on economic development require disclosure of any public funding received, that this responsibility be incumbent upon companies and their representatives to disclose funding applications or eligibility to receive funds, and for a review of economic development policy to target areas for economic development. He requested staff to study the feasibility of dropping minimum investment and wage requirements to attract businesses to commercial strips being vacated. The Manager agreed to have the policy evaluated and brought back to Council for action.

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Councilmember Johnson expressed concern regarding the City's current contract with Time Warner Cable and requested a copy of audit or evaluation reports to ensure they were in compliance. The Manager stated that the agreement was currently being reviewed and information would be provided to Council.

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Councilmember Burroughs-White reminded Council and the public of an upcoming meeting for the East Market Street Development Corporation.

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The Mayor announced that U.S. Senator John Edwards would be holding a Town Hall Day at the new library in the coming week and encouraged citizens to share their views with the Senator.

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The Manager stated that the upcoming Council briefing would start at 9:30 a.m. and announced that the Guilford County Delegation to the General Assembly would hold a public meeting in the Council Chambers on September 15, 1999 at 6:00 p.m.

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Allan Williams, Water Resources Director, stated that mandatory water restrictions were likely to be implemented in the near future due to continued dry weather. He spoke to current and anticipated lake levels relative to reaching a 150-day water supply level, which would put Stage II of Water Restrictions into effect. Mr. Williams outlined plans to provide the public with updates on the status of water restrictions; spoke to the long-range weather forecast and noted the overall drought conditions across the State.

Council briefly discussed automatic sprinkling systems and the need for personal responsibility in the community regarding water conservation.

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Councilmember Jones moved to adjourn to closed session in the Plaza Level Conference Room of the Melvin Municipal Office Building on September 7, 1999 at 4:00 p.m. to discuss litigation regarding the Howerton case. The motion was seconded by Councilmember Burroughs-White and was unanimously adopted by voice vote of the Council.

The City Council adjourned at 9:16 p.m.

Carolyn S. Allen
Mayor

Susan E. Crotts

Deputy City Clerk
